

**Application No.:** 10/634,498  
**Filing Date:** August 5, 2003

## **REMARKS**

Claims 32, 48, 53, 56, 58, 59 and 72 are amended herein as presented above. New Claims 73 – 77 are added herein. Claims 32 – 77 are pending in this application.

### **Regarding Claim Objections**

Claim 48 is amended to recite *inter alia* “wherein for ***an accommodated state or an un-accomodated state*** of the intraocular lens, an entirety of the optic is disposed between a first plane perpendicular to the central polar axis and a second plane perpendicular to the central polar axis, the first plane including the central opening and the second plane intersecting the posterior segments,” (emphasis added). Applicant submits that the amended Claim 48 is clear and requests the Examiner to withdraw objections to Claim 48.

### **Rejections Under 35 USC § 102**

The Office Action rejects Claims 53 – 54, 58, 59, 66 – 68 under 35 USC § 102(b) citing U.S. Patent No. 4,888,012 to Horn. Applicant respectfully traverses each of these rejections.

#### ***Regarding Independent Claim 53***

Claim 53 is amended herein to recite *inter alia* “an optic disposed about an axis, the optic being biased to a dis-accommodated state.” As discussed with the Examiner during the interview the optic of Horn is not biased to a dis-accommodated state. Accordingly, independent Claim 53 is not anticipated by Horn. Thus, Applicant respectfully requests the Examiner to withdraw rejections to Claim 53.

#### ***Regarding Dependent Claims 54, 58, 59, and 66 – 68***

Claims 54, 58, 59 and 66 – 68 depend from independent Claim 53 and includes all the features recited by the independent Claim 53. As discussed above, the amended Claim 53 is not anticipated by Horn. Accordingly, Claims 54, 58, 59 and 66 – 68 are also not anticipated by Horn.

### **Rejections Under 35 USC § 103**

The Office Action rejects Claims 32, 33, 35, 36, 38 – 52, 56, 57, 60 – 65, and 69 – 72 under 35 USC § 103(a) citing U.S. Patent No. 4,888,012 to Horn in view of U.S Patent No. 6,749,634 to Hanna. Applicant respectfully traverses each of these rejections.

***Regarding Independent Claims 32, 48 and 72***

Claims 32 and 48 are amended herein to recite *inter alia* an “optic configured to be biased in an un-accommodated state.” Claim 72 is amended herein to recite *inter alia* an “optic disposed about an optical axis and biased to be in a dis-accommodated state.”

As discussed above and with the Examiner during the interview, the optic of Horn is not biased to be in a dis-accommodated state. Moreover, Hanna does not overcome the deficiencies of Horn. Accordingly, independent Claims 32, 48 and 72 are patentable over Horn in view of Hanna. Thus, Applicant respectfully requests the Examiner to withdraw rejections to Claims 32, 48 and 72.

***Regarding Dependent Claims 33, 35, 36, 38 – 52, 56 – 57, 60 – 65, and 69 – 72***

Claims 33, 35, 36, 38 – 47, 49 – 52, 56 – 57, 60 – 65, and 69 – 71 depend from one of the independent Claims 32, 48, 53 and 72 and include all the features recited by the independent claim they depend from. As discussed above, the amended independent Claims 32, 48, 53 and 72 are patentable over Horn and Hanna. Accordingly, Claims 33, 35, 36, 38 – 47, 49 – 52, 56 – 57, 60 – 65, and 69 – 71 are also patentable Horn and Hanna.

**Regarding New Claims 73 – 75**

New Claims 73 – 77 are added herein. Support for the new claims can be found on at least page 20, lines 14 – 21 of the specification as filed. Applicant submits that no new matter is being added by way of new Claims 73 – 77.

Applicant further submits that since Claims 73 – 77 depend from Claim 32 and include all the features recited by Claim 32, Claims 73 – 77 are also patentable over the cited references.

Moreover, Horn teaches that in its non-accommodated state, “*the outer ring 44 will exert a stretching tension on the lens 12 with this stretching tension being transmitted to the lens 12 via the web 50.*” When the ciliary muscle contracts, it “*compresses the outer ring structure 44 which then allows the stretching tension transmitted from the outer ring 44 to the lens 12 via the web 50 to relax. This relaxation of the tension [thereon] enables the lens 12 to deform in an essentially uniform manner into a reduce diameter with increased lens curvature providing increased focusing power whereby accommodation is achieved.*”

Horn at col. 5:57-66 and col.6:41-48

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It is apparent from the above discussion that a change in the shape of the optic of Horn is not “*caused by the movement of the arms towards the optic,*” as recited by Claim 73; or by “*the movement of an inner portion of the stiffer or less resilient arms towards a central zone of the flexible or more resilient optic,*” as recited by Claim 77.

The Examiner’s attention is directed to Claims 74 – 76, which recite additional limitations that are distinct from Horn.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Applications of Assignee

Applicant wishes to draw the Examiner's attention to the following applications of the present application's assignee some of which are co-pending.

Docket No.	Patent or App. No.	Title	Filed/Issued
27593/AMOLNS.005A	10/280,918	CAPSULAR INTRAOCULAR LENS IMPLANT	10-25-2002
27593CIP/AMOLNS.005CP1	10/634,498	CAPSULAR INTRAOCULAR LENS IMPLANT HAVING A REFRACTIVE LIQUID THEREIN	08-05-2003
27593US2/AMOLNS.005DV1	11/438,812	CAPSULAR INTRAOCULAR LENS IMPLANT HAVING A REFRACTIVE LIQUID THEREIN	05-22-2006
17291USCIP2/AMOLNS.4CP1CP1	11/456,521	OPHTHALMIC LENS COMBINATIONS	07-10-2006
27596DIV/AMOLNS.007DV1	11/482,257	INTRAOCULAR LENS IMPLANT HAVING POSTERIOR BENDABLE OPTIC	07-07-2006
27541US1/AMOLNS.008CP1	10/661,410	MULTI-MECHANISTIC ACCOMMODATING INTRAOCULAR LENSES	09-12-2003

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<b>Docket No.</b>	<b>Patent or App. No.</b>	<b>Title</b>	<b>Filed/Issued</b>
27541USCON1/AMOLNS.8CP1C1	11/551,636	MULTI-MECHANISTIC ACCOMMODATING INTRAOCULAR LENSES	10-20-2006
27536/AMOLNS.009A	11/241,586	DEFORMABLE INTRAOCULAR LENSES AND LENS SYSTEMS	09-30-2005
27610US/AMOLNS.010A	11/262385	HAPTIC FOR ACCOMMODATING INTRAOCULAR LENS	10-28-05
27597US/AMOLNS.012A	11/331,650	ACCOMMODATING DIFFRACTIVE INTRAOCULAR LENS	01-13-2006
27630/AMOLNS.014A	11/618,325	HAPTIC FOR ACCOMMODATING INTRAOCULAR LENS	12-29-2006
27629/AMOLNS.015A	11/618,411	PRE-STRESSED HAPTIC FOR ACCOMMODATING INTRAOCULAR LENS	12-29-2006
27637/AMOLNS.013A	11/966,365	MULTIFOCAL ACCOMMODATING INTRAOCULAR LENS	12-28-2007
27653/AMOLNS.017A	11/864,450	POLYMER COMPOSITIONS SUITABLE FOR INTRAOCULAR LENSES AND RELATED METHODS	09-28-2007
27673/AMOLNS.018A	11/963,351	SILICONE CONTAINING POLYMERIC MATERIALS	12-21-2007
27656/AMOLNS.019A	12/057,633	INTRAOCULAR LENS HAVING A HAPTIC THAT INCLUDES A CAP	03-28-2008
27670	7,097,660	ACCOMMODATING INTRAOCULAR LENS	08-29-2006
VGEN.043A	11/499,934	ACCOMMODATING DIFFRACTIVE INTRAOCULAR LENS	08-07-2006

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Applicant directs the Examiner to the referenced application(s) to consider whether the subject matter claimed, now or as may be amended in the future, as well as the associated prosecution history, now or in the future, may be relevant to the patentability of the present application (e.g., for reasons of obviousness-type double patenting). Applicant believes that the Examiner has access to the referenced application(s) and associated file history through the Patent Office (e.g., the IFW system). Accordingly, Applicant has not provided a copy of the referenced application or its associated file history, but would be happy to do so, now or in the future, should the Examiner so request.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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